

**Washington County Land Use Authority Meeting
August 11, 2009**

The Washington County Land Use Authority Meeting was held on Tuesday, August 11, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present, Joann Balen, Debra Christopher, Dave Everett, Kim Ford, and Doug Wilson. Also present were County Commissioner Alan Gardner, County Commissioner Denny Drake, Planner Deon Goheen, Deputy Attorney Rachelle Ehlert, Kurt Gardner, Building Official, Todd Edwards, Public Works Department, and Senior Planner John Willie.

Audience attendance: Jerome Gourley, Dustin Jensen, Rodney Hoppal, Clara Hoppal, Steve Haluska, Robert Hoppal, Frank Shearer, Lee Watts, Lisa Mitchell, John Miley, Mark Arenholtz and William J. King.

Excused: Rick Jones

Absent: Julie Cropper

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item #1. STAFF COMMENTS. Staff review on all items listed below:

Item #2. CHAIR NOMINATIONS Annual election for a Chairman and Vice-Chairman to be elected from the appointed members of the Commission by a majority of the total membership. County initiated.

The planner explained that, as per the Planning Commission Procedures, the Planning Commission should elect a Chairman and Vice-Chairman, during the first regularly scheduled meeting in August. The Chairman will be elected from the duly appointed members of the Commission by a majority of the total membership. Both Chairman and Vice-Chairman may be elected to subsequent terms.

Due to a lack of full membership, no action could be taken.

Item #3. CONDITIONAL USE PERMIT EXTENSION. Review extension on an extension to the height limitations for an 80' 3-leg tower at the Brookside Fire Station for the Northwestern Special Service District. Steve Haluska, agent

The planner explained that this is an automatic annual review and the Building Official indicated that this project has been completed. As previously reviewed, the Northwest Special Service (Fire) District (NWSSD) wanted to have better radio or calling coverage and with the tower being located at Brookside, instead of Central, this allowed the coverage they needed. The tower is a 3-leg, eighty foot (80') lattice tower. The commission previously recommended approval based on types of height exceptions, which are conditionally approved within all zones. The maximum height regulation is thirty-five (35) feet without a conditional use permit.

Steve Haluska, agent, said that there was a great need for emergency communication. This new tower is working well for them and has added to the safety of firefighters and homeowners. They had experienced serious problems, outside of their control, with other repeaters in the system, but their repeater is working very well.

Motion was made by Commissioner Christopher to recommend approval for a Conditional Use Permit Extension on height limitations at the Brookside Fire Station, on a permanent basis. Commissioner Balen seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #4. CONDITIONAL USE PERMIT EXTENSION. Review extension to the height limitations for a 64' Wind Turbine within the A-20 zone for Ag purposes near New Harmony. Gerald Whipple/Solar Unlimited Energy & Homes, Inc., agent

The planner explained that this is an automatic annual review, with the Building Inspector Bill Weaver making a footing inspection on August 18, 2008. The planning commission previously recommended approval of the AWP Wind Turbine, which sets on a sixty-four foot (64') tilt up tower and guyed at eight (8) locations on the tower and anchored at two (2) points. The energy and solar would encompass twenty-two (22) acres located near the community of New Harmony. This should provide for wind resources in the project area suitable for personal use, which would be 1.5 kilowatts. These types of height exceptions are conditionally approved within all zones. The maximum height regulation is 35 feet without a conditional use permit.

Kurt Gardner, Building Official, has reviewed this and reported that the wind turbine has been installed, wired, and is functioning properly. The fall zone is appropriate.

The applicant was not in attendance. It was determined that action could still be taken since the project has been completed.

Motion was made by Commissioner Ford to recommend approval for a Conditional Use Permit Extension on height limitations for a 64' Wind Turbine near New Harmony, on a permanent basis. Commissioner Balen seconded the motion.

There was a question on the motion. Commissioner Everett asked for a photograph to be added to the applicant's file. The planner agreed.

Five (5) commissioners voted Aye. The motion carried.

Item #5. CONDITIONAL USE PERMIT EXTENSION. Review extension for the Kokopelli Triathlon, which will start and end at the Sand Hollow Reservoir, with the biking event traversing 1100 West; and roads throughout the Grassy Meadows Sky Ranch Subdivision in the County unincorporated area. Brogg Sterrett/Multisport Event Director/BBSC Endurance, applicant

This item was withdrawn at the request of the applicant.

No action taken.

Item #6. CONDITIONAL USE PERMIT. Request permission to install a proposed 100' lattice tower within the C-2 zone, on 1.36 acre parcel owned by Lee and Patricia Watts, in Dammeron Valley. Atlas Tower, LLC, Tower Owner and WiBlue Inc./Nathan Foster, applicant.

The planner explained that communication towers are conditionally approved within the C-2 zone. The applicant has submitted the site location plan and a drawing of the tower. The one hundred foot (100') tower meets the height requirement of the ordinance. There is a requirement for colocation and accessory equipment shelters will be reviewed. This application meets the requirement for a "lattice type" tower and there may be no need for a "fall" zone to be created, as this tower is located far enough away from the restaurant and residence on the adjacent property. This is private property, with the leased area being 50' x 50' and the tower being centrally located

The planner advised that there has been quite a bit of opposition, including a letter submitted from Robert Mitchell that was provided to each commissioner. The planner reminded the commission of an approval for a cell tower on a water tank on the other side of the valley.

Jerome Gourley, agent for Atlas Tower LLC, stated that the measurement of the depth along Dammeron Valley Road is three hundred forty three (343) feet, according to the plat map. Atlas Tower is attempting to help the signal along Hwy. 18 north, hopefully as far as Enterprise. The options in Dammeron Valley were somewhat limited because there isn't much commercial property, but they were able to find a willing landlord to lease space behind an existing restaurant. Mr. Gourley stated that this location is in compliance with the zoning and meets those requirements. The proposed tower is specifically designed for co-locations, unlike water tanks which have limited sectors of vision. The proposed tower will enable subscribers, like himself who are T-Mobile subscribers, to receive a signal in Dammeron Valley. In addition, Mr. Gourley said that the tower will benefit the community, because the FCC now requires all providers who place antennas on wireless structures to also locate E 9-1-1 antennas as well. The ability of emergency personnel in rural areas to respond is limited. This tower will enhance the overall safety and welfare of the residents who live, or work there, or drive through to be able to use the wireless equipment. Finally, there have been preliminary discussions regarding locating emergency response repeater antennas on this tower, which would benefit the Veyo, Brookside and any surrounding areas to have better search and rescue options available.

There was a brief discussion about the location, including the fall distance. It is one hundred sixty (160) feet from the proposed lattice tower to the existing restaurant. The southeast border of the property is Old Farms South, which is currently a pasture with no residences.

There was a discussion regarding alternate sites. Mr. Gourley explained that towers require electricity and a telephone connection; sites on government lands, such as BLM or Forest Service that creates challenges. Although BLM sites were considered, this proposed site was much preferred and chosen as their first choice. The cost factors of bringing in utilities and accessing an easement were major considerations. This proposed location was selected because it is approximately three hundred (300) feet from Hwy. 18 and could easily service travelers as well as residents of Dammeron Valley. Mr. Gourley said that the signal is weak as you move

north away from St. George on Hwy. 18, and they chose a taller tower so that it could support additional providers.

Chairman Stucki asked Mr. Gourley if the site of the existing water tank and cell tower had been considered, and the answer was no. The site is owned by Brooks Pace.

Lee Watts, property owner of the site, explained that he also owns the adjacent lot that includes his home, located about eight hundred (800) feet away from the proposed tower. Mr. Watts said that he felt having a cell tower there would help the safety of the valley.

Frank Shearer, Dammeron Valley downtown resident, stated that his property is about one hundred (100) yards south of the proposed tower site property. Mr. Shearer thinks that Brooks Pace, developer, did a great job and a cell tower in this area would be an eyesore. He has service through Verizon and has a cell signal on his property and at his house, but admitted that cell service is intermittent going up and down Hwy. 18. Mr. Shearer said that Leonard Rice is a nearby resident, and used to own all the land. He has had brain surgery and was not able to attend this meeting, but is opposed to the location. Mr. Shearer suggests Pinion Hills or the BLM would be better locations.

Denny Lohmoelder, Dammeron Valley resident, said that he spent four (4) years on the Architectural Review Committee, and the CC&R's restrict any building more than thirty-five (35) feet high. It was pointed out that this rule is for residential only. Mr. Lohmoelder said would be an eyesore, and visible to every other resident.

There was a brief discussion about the terrain in Dammeron Valley. Mr. Lohmoelder explained that with the exception of Pinion Hills, it is flat ground. To the east there are foothills and then the Pine Valley mountains. The water tank behind Brooks Pace's home is painted to match the landscape. There are a couple of antennas on there, but not very noticeable.

Mark Arenholtz, Dammeron Valley resident, explained that the nature of Dammeron Valley is a community with height restrictions, no power or telephone poles, and no street lights. Mr. Arenholtz said they purchased their property to view the natural landscape, and this is the wrong place for the tower. There is a power substation about three-quarters (3/4) of a mile south of the valley that Mr. Arenholtz suggested might be preferable location. Commissioner Ford advised that next to a power station is not a good location for a cell tower.

William King, Dammeron Valley resident, explained that he owns property four (4) lots north of the proposed tower site location, and is also a member of the Dammeron Valley Landowners Associations Board. Members of the Board have received several phone calls from residents who oppose the location of this cell tower. Mr. King explained that the tower will obstruct the views of Pine Valley Mountain from many residents. The tower will be twice as tall as trees and vegetation, and will have a flashing red light that will detract from the scenery.

Robert Hoppal, Dammeron Valley resident, voiced agreement with others who have opposed the location. Mr. Hoppal said the tower should not be allowed there just because of cost.

Rodney Hoppal, Dammeron Valley resident, said he just purchased a home there because he enjoys the area, and said that no one wants to look at this tower as they are driving into the subdivision. He said that it's unfortunate that the lot is zoned Commercial because they are immune to some of the laws that the residents are required to follow, especially the no lights law. Mr. Hoppal said there is a lot of opposition, and that this needs to be curbed and never considered for that lot.

Lisa Mitchell, Dammeron Valley resident, is the wife of Robert Mitchell who wrote the letter provided to the commissioners. She agrees with the others who are in opposition. Ms. Mitchell said that Verizon cell service is available, except for maybe one or two (1-2) minutes along Hwy. 18.

Steve Haluska, explained that he does not live in Dammeron Valley but wanted to dispute the claim by the applicant that fire communication would be helped by the tower. Mr. Haluska said that there is already a new repeater in Brookside that covers the area that works well, and that the fire departments do not need this tower.

Jerome Gourley, agent for applicant, made some rebuttal points to be part of the record. The first point was that the FAA does not require lighting unless the tower is two hundred (200) feet high, so this tower will not have any lights. Another point was that Verizon was the only service that is really good in Dammeron Valley, and others such as T-Mobile provide no service in the area.

Denny Lohmoelder, again addressed the commissioners to comment that the barbed wire enclosure and chain link fence around the installation will be visible to everyone, and will not be attractive. After a brief discussion, it was pointed out that the fence must be sight-obscuring to meet Ordinance requirements, so barb wire would not be allowed.

Chairman Stucki asked the audience about their personal observation about cell phone coverage by the different carriers. From the attendees it was determined that Verizon and Alltel have good coverage, T-Mobile and AT&T have poor, and Sprint isn't available. Someone explained that there is a merger expected within two (2) years, and AT&T will be the same as Alltel.

Mr. Shearer explained that there is an email messenger in Dammeron Valley with two hundred to two hundred fifty (200-250) names to which she sends notices or information. Mr. Shearer will have the email messenger send a questionnaire to those residents asking about their cell coverage, and send those results to the Planning Department. Chairman Stucki suggested also asking if the residents would object to the water tank location.

John Miley, Dammeron Valley resident, said that years ago Brooks Pace gave permission for cell antennas on the water tower, but the residents voted it down. However, he felt that most residents would prefer that location to the one proposed downtown.

Chairman Stucki took a poll of the commissioners whether this item should be voted on today, or table and wait for more details.

- Commissioner Ford voted to table because more information was needed, and alternatives exist.

- Commissioner Balen agreed.
- Commissioner Everett voted to table to allow applicant time to look at alternatives that might even be better.
- Commissioner Christopher referred to the Conditional Use requirements that the use should be evaluated to make sure that it fits the neighborhood. Also, it is not necessary for emergency services, and neither has anyone has come forward to say that they fear for their safety, nor to ask for cell phone coverage. There are other locations with higher topography outside of this community that have not been investigated. It can be continued, but since it was not asked for by the residents, it is not needed at this location and should be denied.
- Commissioner Wilson read the following from Title 10, Chapter 18 of the County Code: *The standards for the issuance of a conditional use permit are established to ensure compatibility with surrounding land uses, conformity with the Washington County general plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.* This location doesn't meet the terms. Although an advocate for cell phone towers and usage, he could not approve at this location. The only purpose for tabling would be to come back with an alternate location.

Rachelle Ehlert, Deputy County Attorney, advised that this Conditional Use Permit request should be denied or approved based on this location only, or tabled.

Jerome Gourley, made some final comments including that their request is in compliance with all zoning in Dammeron Valley and wanted that to be on record. Mr. Gourley said that they are willing to discuss more acceptable solutions, and will work with the residents to improve the cell coverage for all providers.

After a discussion the following facts and findings were presented:

From Title 10, Chapter 18-1 of the County Code: *The standards for the issuance of a conditional use permit are established to ensure compatibility with surrounding land uses, conformity with the Washington County general plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare*

- It is not compatible with surrounding residential neighborhoods or land use.

From Title 10, Chapter 21-1-B: *The regulations contained herein are intended to minimize the visual impact of wireless communication facilities while providing for service throughout the county.*

- It does not comply with minimization of visual impact.
- It does comply with providing service.

From Title 10, Chapter 18-A-1-B-2: *The use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A proposed use shall be considered detrimental:*

(2) If it will unreasonably interfere with the lawful use of surrounding property;

- It does not unreasonably interfere with the lawful use of surrounding property.

After a brief discussion, a fourth finding of fact was presented:

- There are potential alternative sites available, with community input - elevation, there is already service present in the valley working effectively from a different location, there is availability of power to different sites, applicant indicated that this is his first choice, out of several sites.

Rachelle Ehlert referred to Title 10, Chapter 18-A: *When the planning commission acts under its power to hear and decide applications for conditional uses, the conditional use shall be approved if reasonable conditions are proposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards as set forth below. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.* Ms. Ehlert asked the commissioners to determine if there is anything the applicant can do to mitigate potential problems?

- There are no mitigating factors or anything that the applicant can do to come into compliance for this site

Each finding of fact was voted on individually and approved unanimously.

Motion was made by Commissioner Balen to table a Conditional Use Permit to install a 100' lattice tower in Dammeron Valley, to allow time for the applicant and the community to work together to find an alternate site. Commissioner Everett seconded the motion. Four (4) commissioners voted Aye. Commissioner Christopher voted Nay. The motion carried with a split vote.

Chairman Stucki closed the Planning Meeting and opened a Public Hearing at 3:00 p.m.

Item #7. PUBLIC HEARING. Open hearing for Washington County Land Use (Zoning) Ordinance amendments regarding PD Planned Development Zone. County initiated.

The planner explained that the commission needs to open a public hearing as referenced by State Code, whereas amending a land use ordinance requires a minimum ten days published notice and 24-hour posting of agenda before other public meetings.

The planner explained that this item was last reviewed on January 20, 2009, as previously reviewed, Mr. Willie drafted the new Planned Development Chapter for the Land Use Ordinance, which was recently adopted by the City of Santa Clara and where our code is somewhat outdated (adopted in 1984), he felt the commission would want to review this new version for adoption. There were a few changes to the draft several months ago and at the work

meeting last week, Mr. Willie recommended that the commission pay particular attention to 10-9-1: General Purpose and Description. It is the heart of the whole section. It intends to give the developer some flexibility and the land use authority some flexibility in what they will approve, such as reducing road width. The commissioners have all received redlined copies of the Ordinance that include John Willie's comments.

There was no one in the audience to speak to this item.

John Willie, Senior Planner, explained that there are many reasons for a mixed use zone, including allowing the developer to be creative. It is possible to have one's work, community and residences within walking distance. There is flexibility in a mixed use zone, and no two will ever be exactly alike.

Chairman Stucki closed the Public Hearing and opened the Planning Meeting at 3:17 p.m.

Item #8. ORDINANCE AMENDMENT. Consider approval on amendment to the Washington County Land Use (Zoning) Ordinance, Title 10 Chapter 9, PD Planned Development Zone. County initiated.

The planner explained that there were some highlighted portions that need to be reviewed. The first is on page 14, number 3: *Adjacent public open space: The minimum amount of open space required in the developed area for a PD development may be reduced by a maximum of _____, if the PD site bounds along at least one property line, a park or other open active recreation space available and accessible to the public for recreation, relaxation, walking, etc.* After a brief discussion, it was determined that, instead of a specific amount, it should read "amount approved by Planning Commission."

Chairman Stucki referred to page 4, 10-9-6-B on the proposed PD Zone, and asked why under Permitted Uses the public libraries are not included with other public facilities including fire protection, police protection, public works facilities and other public facility development. After a brief discussion including noting that a library is not a complete necessity, such as emergency services, it was determined that libraries should be moved into the permitted uses list.

Chairman Stucki referred to page 9, Item C that states that some planned developments will be kept under single ownership and not subdivided or sold into parts. Mr. Willie explained that if nothing is split, a plat does not have to be recorded, and everything would go through as site plan approvals, which is an easier process. Mr. Gardner, Building Official also explained that selling off individual parcels from a large commercial building can create problems with building codes issues, such as firewalls.

Chairman Stucki referred to page 10, B-1, regarding CC&R's, and it was explained that most developments in this zone will have them. Also on page 10, b-3, it states that development and maintenance of general common areas may be accomplished through the establishment of an owners' association which the developer shall agree to subsidize until seventy-five (75) percent of the lots of units are sold. There was a question as to any specific reason for that specific percentage. The answer is that at that point, it is financially viable for the association to be able to run things.

Chairman Stucki referred to page 11, C, regarding exceptions to the County standards and subdivision requirements relating exclusively to roadway design standards. Chairman Stucki suggested that exceptions should not be allowed for road widths. Commissioner Wilson said that there are some areas where a wide road is not needed, such as Whispering Pines Subdivision in Pine Valley. Because the lots are large and the cabins are a distance from the road, people will not be parking on the road. The wide road with curb, gutter and sidewalks is unnecessary and actually detracts from the scenery. Chairman Stucki agreed and asked if the Ordinance could be made to allow the discretion of the Planning Commission. Ms. Ehlert said that the way the Ordinance is written already does that and read a portion from the same paragraph: *...as may be recommended by the Land Use Authority and approved by the County Commission. Exceptions to the County standards and subdivision requirements relating exclusively to roadway design standards and layout must be supported by appropriate studies and approved by the County Commission pursuant to its approval of the project plan, and shall control and regulate the development and construction within the project as guidelines and standards specific to the project.*

Chairman Stucki commented that the section on page 12, D-2 & 3, regarding parking spaces was very well written. Also, on page 13, the definition of Xeriscaping was very good.

Chairman Stucki referred to page 15 number 6, regarding unacceptable finishing materials. It was determined that a sentence could be adding stating “as may be approved by the Land Use Authority.”

There was a discussion regarding the number of copies of each graphic and written text that must be submitted, found on pages 16 and 18. Currently, it states fifteen (15), but that number came from the number on the Santa Clara Planning Commission Staff. It was determined that three (3) would be sufficient, for Staff, file and presentation.

Ms. Ehlert advised that the proposed Ordinance still lacks a definition of storefront property.

After a brief discussion the following findings of fact were presented:

- There is a need to replace the entire Chapter 9 with the new Ordinance
- The existing Ordinance is outdated, incomplete and problematic and the new version provides a more efficient execution of the Code

Each finding of fact was voted on individually and approved unanimously.

Motion was made by Commissioner Cropper to recommend approval on amendment to the Washington County Land Use (Zoning) Ordinance, Title 10, Chapter 9, PD Planned Development Zone, based on facts and findings listed, subject to including the definition of storefront property. Commissioner Everett seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Chairman Stucki closed the Planning Meeting and opened a Public Hearing at 3:59 p.m.

Item #9. PUBLIC HEARING: Open hearing for Washington County Land Use Authority on amendments to the Washington County Standard Specifications for Design and Construction. Public Works Department initiated.

The planner explained that the commission needs to open a public hearing as referenced by State Code, whereas amending a land use ordinance requires a minimum ten days published notice and 24-hour posting of agenda before other public meetings.

Todd Edwards, Public Works, explained that two (2) comments have been received from John Willie, Senior Planner, and Kurt Gardner, Building Official. The first was regarding the cross section of rural roads, and appropriate changes have been made. The other was regarding location of mailboxes, and states that they cannot be located within the right of way because of potential problems with snow removal.

Chairman Stucki closed the Public Hearing and reopened the Planning Meeting at 4:02 p.m.

Item #10. CONSTRUCTION STANDARDS AMENDMENT: Consider approval on changes to the Washington County Standard Specifications for Design and Construction as a part of the Washington County Code approved by Resolution/Ordinance. Public Works Department initiated.

The planner explained that the Public Works staff has provided a summary of differences from current standards, which were reviewed at the two previous work meetings, and the Washington County Standard Specifications and Drawings were provided in a PDF file for commission's review prior to the meeting. Previously, Todd Edwards, Engineer and Public Works Department Surveyor, Randy Cronk reviewed those changes and comparisons on cost adjustments on improvements. The existing Standards were adopted as an Ordinance/Resolution, and this will completely replace those. They will not be codified, but will be posted online.

After a brief discussion the following findings of fact were presented:

- There is a need to replace the 1995 version with the new Ordinance
- The existing Standards are outdated and incomplete, and the new version provides a more efficient execution of the Code

Each finding of fact was voted on individually and approved unanimously.

Motion was made by Commissioner Balen to recommend approval on changes to the Washington County Standard Specifications for Design and Construction as part of the Washington County Code approved by Resolution/Ordinance, based on findings of fact. Commissioner Christopher seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Chairman Stucki closed the Planning Meeting and opened a Public Hearing at 4:07 p.m.

Item #11. PUBLIC HEARING: Open hearing for Washington County Land Use Authority on amendments, which are housekeeping items to the Washington County Subdivision Ordinance. County initiated.

The planner explained that the commission needs to open a public hearing as referenced by State Code, whereas amending a land use ordinance requires a minimum ten days published notice and 24-hour posting of agenda before other public meetings.

The planner explained that these ordinance amendments are “housekeeping” items in an effort to take care of changes to the ordinance that are the differences between Ordinance, State Code and/or the County Construction Standards. Staff felt these changes could be reviewed by going directly to the advertising process for this hearing, since some of these changes are fairly simple and were related to the update of the Washington County Standard Specifications for Design and Construction.

The planner explained that there were changes in the hillside development standard’s criteria, and the one (1) year guarantee of improvement on warranty bonding. These changes were necessary to meet the State requirements. There is a portion of the State Code that needs to be added, “If the county determines there is substantial evidence of prior poor performance of the applicant; or unstable soil conditions within the subdivision or development area; or extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period, an additional year will be added to the guarantee of improvements.” Two (2) years may be required after final acceptance of the improvement or warranty work (as amended 17-27a-604.5 State Code).

Todd Edwards, Public Works, explained that they made sure that none of the changes would violate the Construction Standards, and would be consistent with current County requirements.

Chairman Stucki closed the Public Hearing and reopened the Planning Meeting at 4:09 p.m.

Item #12. ORDINANCE AMENDMENT. Consider approval of changes to Title 11, Chapter 5, Section 11-5-3.C, L, O, & P: Street Improvements; Section 11-5-4.F.1 & 4, G:1: Fire Flow And Line Size Standards: Guarantee Of Improvements, Section 11-7-1: Method of Guarantee: D. Release of Guarantee: & G. Retention. County initiated.

Chairman Stucki asked if the word appendixes should be changed to appendices. Ms. Ehlert agreed that appendices was correct, and those changes would be made.

Chairman Stucki referred to 11-5-3 regarding dead end streets, and it was agreed that the word “length” should be added to the sentence that defines six hundred feet (600') as the maximum length of a cul-de-sac.

There was a discussion regarding the change from sixteen hundred (1600) foot maximum length down to six hundred (600) foot. The main reasons for the change are fire protection, and water circulation and flow. Another reason given was the inconvenience for motorists who have to drive the length of the road before they can turn around. Mr. Edwards emphasized that the

biggest reason is water circulation and the possibility of pollution when the water isn't constantly flowing through the pipes.

Commissioner Balen left at 4:19 p.m.

After a brief discussion the following findings of fact were presented:

- Changes are necessary to correct inconsistencies with County Code or to correct typographical errors.
- The existing Ordinance is outdated and incomplete, and the new version provides a more efficient execution of the Code.

Each finding of fact was voted on individually and approved unanimously.

Motion was made by Commissioner Everett to recommend approval on changes to Title 11, Chapter 5, Section 11-5-3.C, L, O, & P: Street Improvements; Section 11-5-4.F.1 & 4, G:1: Fire Flow And Line Size Standards: Guarantee Of Improvements, Section 11-7-1: Method of Guarantee: D. Release of Guarantee: & G. Retention, based on findings of fact. Commissioner Ford seconded the motion. Four (4) commissioners voted Aye. The motion carried.

Item #13. PROCEDURES & RULES OF ORDER. Annual review of Planning Commission Procedures and Rules of Order: County initiated.

The planner explained that, for insurance purposes, the Planning Commission needs to review their procedures and rules of order as part of an ongoing education program with UCIP, which will benefit the County. The commissioners were asked to read both documents prior to the meeting, and come prepared to address any questions or concerns at the meeting. The planner said that there are major changes, including changing every reference to the Planning Commission to state Land Use Authority to comply with the State; also, to state your name because the proceedings are recorded by electronic device. Page 9 requires sworn statements to keep on file, and Ms. Ehlert will find the form and it will be put on the County website. There are also changes in existing rules and procedures for facts and findings, and there will be corrections to bring everything up to date with State guidelines.

There was a brief discussion regarding whether the commissioners should be sworn in, and whether being appointed or elected would make a difference in that requirement. Ms. Ehlert will check into it and report back.

After a brief discussion the following finding of fact was presented:

- Changes are necessary to the existing Procedures and Rules of Order to bring it up to date with State guidelines.

The finding of fact was voted on and approved unanimously.

Motion was made by Commissioner Everett to recommend approval on changes to the Procedures and Rules of Order. Commissioner Christopher seconded the motion. Four (4) commissioners voted Aye. The motion carried.

Item #14. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on August 4, 2009. County initiated.

The staff meeting convened at 9:00 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District Manager; Tina Esplin, Washington County Water Conservancy District; and Randy Taylor, Department of Environmental Quality.

Excused: Ron Whitehead, Public Works Director; Rachelle Ehlert, Deputy Civil Attorney; and Robert Beers, Southwest Utah Public Health Department;

CONDITIONAL USE PERMIT EXTENSIONS:

A. Review extension on a single family dwelling within the OST-20 zone, Section 29, T38S, R14W, SLB&M, generally located northeast of Pine Valley. Ron Rencher, applicant

This is the 4th annual review, with the applicant actually living out of State eight (8) months out of the year; it has been difficult to get to the point of construction. Previously the applicant installed over 1,000 feet of water line, rebuilt the fence and keeps the pasture watered during the summer. The power, water tank, and septic were installed. This area is seasonal in nature, so there are probably 4 months out of the year that an individual could build. Records show that no permit has been issued as yet. Previously, Mr. Rencher indicated that most of the prep work is finished and he will obtain the building permit next season. **The staff granted approval of the Conditional Use Permit extension for an additional year, whereas this area is seasonal in nature and the initial work that went into applying for the conditional use should be enough to keep the use active.**

B. Review extension on a single family dwelling within the OST-20 zone, Section 29, T38S, R11W, SLB&M, generally located north of Smith's Mesa on Kanarra Mountain. Terry Wilson, agent and David W. Bauer, applicant

This is the 3rd annual review, with the requirements for the Conditional Use Permit having been met by submitting a site plan, septic permit and quantity and quality of the water from springs for culinary use. The property is accessed from Kanarra Mountain in Iron County, then entering the 600 acre parcel on the Washington County boarder. The site plan meets all setback requirements. This area is seasonal in nature, so there are probably 4 months out of the year that an individual could build. Records show that no permit has been issued as yet. If the septic has not been installed, the applicant will need to reapply. **The staff granted approval of the extension for another year based on work completed for submission.**

LOT LINE ADJUSTMENT:

A. Consider a lot line adjustment on the Ballard/Hall properties on Kolob Mountain southwest of Kolob Reservoir. Joan Ballard, applicant and Tonya Jocelyn, agent

The agent submitted a survey plat of the surrounding properties to resolve the issue of an encroaching home located on the adjacent parcel (Tax ID 1048-A-1). The cabin was built by mistake on the adjacent property over 45 years (in 1962) ago. By purchasing .14 acres of property from Little Tree Properties LLC, this will rectify the encroachment issue and allow the applicant more parking and better access to this section of her property. This property qualifies, as it meets the requirement of the State Code and the Zoning Ordinance, being a parcel of record (Tax ID 1048-D) prior to the Zoning Ordinance Adoption in 1972. The planner indicated that setback requirements would be 10' on the sides and rear, within the current zone of SFR-1 acre. The County Engineer, Todd Edwards suggested that he review the legal description and the recorded deeds should reflect the description. **Staff felt there should be no problem in granting the Lot Line Adjustment, subject to the items requested by staff and filing a survey plat with the Washington County Map Depository within the required 90 days of survey.**

Item #15. MINUTES. Consider approval of the minutes of the regular planning commission meeting and work meeting held on July 14, 2009, & July 28, 2009.

Motion was made by Commissioner Christopher to approve the minutes of July 14, 2009, as written. Commissioner Ford seconded the motion. Four (4) commissioners voted Aye. The motion carried.

Motion was made by Commissioner Christopher to approve the minutes of July 28, 2009, as written. Commissioner Ford seconded the motion. Four (4) commissioners voted Aye. The motion carried.

Item #16. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items. County initiated.

None

Item #17. COMMISSION & STAFF REPORTS. General reporting on various topics - County initiated.

The planner advised that the proposed General Plan will be up for review and approval on the next Land Use Authority meeting on August 25, 2009 and on to the County Commission on September 1, 2009.

After a brief discussion, it was determined that the field trip to view the wind farm in Minersville will replace the September 22, 2009 Land Use Authority Work Meeting. Anyone who wishes can meet at the County Administration Building at 7:00 a.m. Other commissioners will meet at Anderson Junction and Cedar City, as previously planned. The building inspector from Beaver

will meet at their Town Hall and accompany to the site. The commissioners were instructed to bring a sack lunch.

There being no further business at 4:40 p.m., Chairman Stucki adjourned the meeting.

Donna Rasmussen, Planning Secretary